

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action electronically mailed February 8, 2007. At the time of the Office Action, Claims 1-28 were pending in the Application. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 102 Rejection

The Examiner rejects Claims 1-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 20020146000 A1 issued to Jonsson et al. (hereinafter "*Jonsson*"). This rejection is respectfully traversed for the following reasons.

Applicant respectfully reminds the Examiner that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹ In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim."² In regard to inherency of a reference, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic."³ Thus, in relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.⁴

Using this well-settled jurisprudence, it is clear that *Jonsson* cannot inhibit the patentability of the pending subject matter. For example, Independent Claim 1 recites a compression system operable to: *determine* if an incoming packet is associated with an internet protocol (IP) such that, in cases where the incoming packet is non-IP based, the proxy element performs a mapping between a non-IP based protocol associated with the

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

² *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP §2131 (*emphasis added*).

³ MPEP §2112 (citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ 2d 1955, 1957 (Fed. Cir. 1993) (*emphasis in original*)).

⁴ MPEP §2112 (citing *Ex Parte Levy*, 17 USPQ 2d 1461, 1464 (Bd. Pat. at App. and Inter. 1990) (*emphasis in original*)).

incoming packet and an IP protocol in order to generate an IP compatible packet to be processed by the FP element and communicated to a next destination.

Addressing these limitations in order, first — there is nothing in *Jonsson* that actually determines whether the incoming packet is non-IP based or IP based. It appears as though all of the packets being discussed in *Jonsson* are IP-based: specifically VoIP. At the passage cited by the Examiner in the current OA, there is nothing that discusses this item. Second, nothing in *Jonsson* offers any type of mapping, most likely because *Jonsson* is not accounting for non-IP based combinations in the context of a compression scheme. Again, nothing cited by the Examiner in the recent OA (specifically: paragraph 59) addresses this mapping mechanism. Applicant is almost bewildered at the presence of *Jonsson*, as it appears only modestly relevant to the pending subject matter.

For at least these separate reasons, Independent Claim 1 is clearly patentable over these references. In addition, Independent Claims 10, 17, and 23 recite similar, but not identical limitations, and, therefore, are also allowable using analogous reasons. In a similar endeavor, their respective dependent claims are allowable for at least comparable reasons.

Accordingly, all of the pending claims have been shown to be allowable, as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-953-6675.

Respectfully submitted,
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